

From: WONG CABELLO

832 446 2458

06/20/2005 17:07 #001 P.002/009



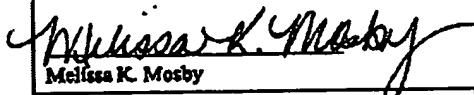
Coe F. Miles, Ph.D., J.D.
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June 20, 2005

VIA FACSIMILE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION (37 C.F.R. 1.8)
This paper is being transmitted to the Commissioner for
Patents, U.S. Patent and Trademark Office, Washington,
D.C. via Facsimile. This paper is being transmitted to
(703) 872-9306 on June 20, 2005.


Melissa K. Mosby

Re: US Application No. 09/991,561 entitled "Database Management System and Method which Automatically Schedules and Performs Actions and Monitors Results
Our Reference: 149-0041US

Dear Commissioner,

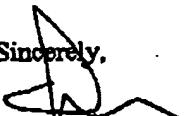
Enclosed for filing in the above-referenced matter please find the following documents:

1. Recordation of Substance of Interview Required Under 37 CFR 1.133
2. Terminal Disclaimer (2)
3. Information Disclosure Statement and PTO/SB/08A

The Commissioner is authorized to charge all fees necessitated by the enclosed documents to the deposit account of Wong, Cabello, Lutsch, Rutherford & Brucculeri, L.L.P Deposit Account No. 501922 referencing attorney docket no. 149-0041US.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,


Coe F. Miles, Ph.D., J.D.
(Reg. No. 38,559)

cfn/mm
Enclosures

Wong, Cabello, Lutsch, Rutherford & Brucculeri, L.L.P.
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PAGE 2/9 RCVD AT 6/20/2005 6:06:34 PM [Eastern Daylight Time] SVR:USPTO-EFXRF-14 DSN:8729306 CSID:832 446 2458 DURATION (mm:ss):02:40

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**TERMINAL DISCLAIMER TO OBViate A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)
149-0041US

In re Application of: Melody Vos and Jeff Stavin

Application No.: 09/991,561

Filed: November 21, 2003

For: Database Management System and Method which Automatically Schedules and Performs Actions and Monitors Results

The owner, BMC Software Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 09/680,770, filed on 11/21/2001, as such term is defined in 35 U.S.C. 164 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for end during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 164 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application." In the event that any such patent granted on the pending reference application expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is released, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record. Reg. No. 38,669

Signature

June 20, 2005

Date

Coe F. Miles

Typed or printed name

832-446-2418
Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
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This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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